

October 27, 2008

Mr. Ken Landau
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-6114

Subject: Tentative Waste Discharge Requirements and Time Schedule Order
for Discovery Bay Wastewater Treatment Facility

Dear Mr. Landau:

The State Water Contractors ("SWC") has reviewed the subject Tentative Order for the Town of Discovery Bay Wastewater Treatment Facility ("DBWTF"), NPDES Permit No. CA0078590 ("NPDES Permit"), and would like to commend Central Valley Regional Water Quality Control Board (Regional Water Board) staff on their commitment to protecting the drinking water beneficial use in the Delta. Many of the SWC's members rely on the Delta as a source of drinking water supply.

The SWC is a non-profit mutual benefit corporation organized and existing under the laws of the State of California to represent the common interests of 27 public water supply agencies located in the San Francisco Bay Area, along California's Central Coast, in California's Central Valley and in Southern California. The SWC's members have an interest in the renewal of the DBWTF NPDES permit because the State Water Project (SWP) water supply intake at Banks Pumping Plant is located very near the DBWTF discharge location on Old River. Delta water, conveyed through the SWP, serves as a drinking water supply for 25 million Californians from the San Francisco Bay Area to San Diego. The key constituents of concern to drinking water providers are organic carbon, nutrients, salinity, bromide and pathogens.

Nitrate and Ammonia Effluent Limitations

The Town of Discovery Bay has previously operated the oxidation ditch to nitrify and denitrify, resulting in relatively low effluent concentrations of ammonia (0.1–1.2 mg/L) and nitrate (2.7–16 mg/L as N). The Tentative Order contains effluent limitations that are substantially higher than the historic effluent concentrations. SWC requests that the Regional Water Board require Discovery Bay to continue to nitrify/denitrify and achieve effluent concentrations that are in the same range as historic discharge concentrations. Although there is assimilative capacity in Old River for ammonia and nitrate, it is unreasonable and inconsistent with the Antidegradation Policy to assign the full assimilative capacity to a single DBWTF discharge.



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Monitoring and Reporting Program

The Monitoring and Reporting Program (MRP) included in the Tentative Order includes monitoring for some but not all of the drinking water constituents of concern. The SWC requests that the MRP for the DBWTF be revised to require routine monitoring of effluent and receiving water for organic carbon, measured as total organic carbon (TOC) and dissolved organic carbon (DOC), and for the pathogens *Cryptosporidium* and *Giardia*.

Reopener Provisions

Some of the SWC's members are working with the Regional Water Board and interested stakeholders on technical studies to support development of a Basin Plan amendment to provide greater protection of drinking water supplies. The Regional Water Board adoption of the Drinking Water Policy Basin Plan amendment is expected by 2010. Since the waste discharge requirements for Discovery Bay will extend to 2013, SWC requests that the Regional Water Board add the same reopener provision on the Drinking Water Policy that was added to the Stockton Order:

“Central Valley Drinking Water Policy. If water quality objectives are adopted for organic carbon, nutrients, salinity, bromide, or pathogens to protect drinking water supplies in the Central Valley Region, this Order may be reopened for addition and/or modification of effluent limitations and requirements, as appropriate, to require compliance with the applicable water quality objectives.”

SWC appreciates the inclusion of a reopener provision on ammonia. We request that the provision be modified to include the same language that was included in the Stockton Order:

“Ammonia Studies. The ammonia effluent limitations in this Order are based on USEPA's recommended National Ambient Water Quality Criteria for protection of freshwater aquatic life. However, studies are ongoing to evaluate the effect of ammonia on the inhibition of growth of freshwater diatoms in the Delta, as well as, studies to evaluate the sensitivity of delta smelt to ammonia toxicity. Based on the result of these or other studies, this Order may be reopened to modify the ammonia effluent limitations, as appropriate.”

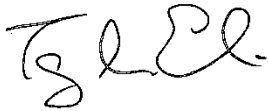
Notification of Drinking Water Agencies

SWC requests that the Regional Water Board include a requirement in the Order to immediately notify downstream drinking water agencies if there are spills of untreated or partially treated wastewater from the DBWTF or its collection system that reach Delta waters. The Regional Water Board modified the Standard Provision of the Stockton permit as follows:

“f. The Discharger shall take all reasonable steps to minimize any adverse effects to waters of the State or users of those waters resulting from any discharge or sludge use or disposal in violation of this Order. Reasonable steps shall include such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge or sludge use or disposal, and adequate public notification to downstream water agencies or others who might contact the non-complying discharge.”

The SWC appreciates the Regional Board's efforts to protect Delta drinking water supplies and other beneficial uses. If the Regional Board has any questions or comments, please call me at (916) 447-7357.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Erlewine". The signature is fluid and cursive, with the first letter of the first name being a large, stylized "T".

Terry L. Erlewine
General Manager